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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 MOODY W. TANKSLEY,

No. CIV S-08-2881-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 ARANDA, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. For cases such as this, which are based on federal question jurisdiction, the  
19 federal venue statute requires that the action be brought only in “(1) a judicial district where any  
20 defendant resides, if all defendants reside in the same State, (2) a judicial district in which a  
21 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part  
22 of property that is the subject of the action is situated, or (3) a judicial district in which any  
23 defendant may be found, if there is no district in which the action may otherwise be brought.” 28  
24 U.S.C. § 1391(b). Here, the claim(s) arose in Monterey County, which is within the boundaries  
25 of the United States District Court for the Northern District of California. Therefore, the court  
26 finds that this action most appropriately proceeds in that district. In the interest of justice, the

1 court will transfer this case. See 28 U.S.C. § 1406(a).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. This matter is transferred to the United States District Court for the  
4 Northern District of California;

5 2. Defendants' motion to dismiss (Doc. 41) is denied as moot;

6 3. Plaintiff's motion for case status (Doc. 40) is denied as moot;

7 4. Plaintiff's motion to transfer this case (Doc. 44) is granted; and

8 5. The Clerk of the Court is directed to close this file.

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10 DATED: March 23, 2010

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12 **CRAIG M. KELLISON**  
13 UNITED STATES MAGISTRATE JUDGE  
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